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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Received

JUN 01 1999

Common Carrier Bureau
Network Service Division
Office of the Chief

In the Matter of:

Florida Public Service Commission
Petition for Additional Authority to
Implement Number Conservation
Measures

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NSD File No. L-99-~~27~~

33

CC DOCKET: 96-98

**REPLY COMMENTS OF THE ASSOCIATION FOR
LOCAL TELECOMMUNICATIONS SERVICES**

The Association for Local Telecommunications Services ("ALTS") hereby submits reply comments, pursuant to Public Notice DA 99-33, regarding the Florida Public Service Commission Petition for Additional Authority to Implement Number Conservation Measures (filed April 15, 1999) ("Florida Petition"). ALTS is the leading national trade association representing facilities-based competitive local exchange carriers ("CLECs").

There is a clear split among those filing initial comments to the MPUC Petition, wherein the state utility commission and public advocate respondents unanimously support the Petition, while the carrier respondents generally oppose grant of the Petition. State groups recognize that the root cause of the numbering crisis confronting all states is the inefficient means by which numbers are assigned in blocks of 10,000, and support the Florida Petition on the grounds that states are in the best position to

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address this problem.¹ Carriers generally oppose most of the proposals in the Florida Petition on the grounds that grant of this and similar state petitions would jeopardize pending national number conservation efforts, lead to the development of inconsistent state-specific number administration practices, and erode national administration of the North American Numbering Plan ("NANP").²

ALTS sympathizes with the state frustrations at being unable to avoid or influence the continuing area code exhausts, and the carrier concerns that inconsistent development of pooling and other number administration practices will impose significant additional costs on carriers and consumers. As small carriers engaged in the difficult process of local market entry, ALTS members are particularly vulnerable to decisions that would increase the cost and complexity of meeting number administration requirements. However, ALTS believes the FCC could provide states with additional authority and encouragement to work with the North American Numbering Plan Administrator ("NANPA") to enforce existing and future number administration guidelines, without compromising the crucial federal role of establishing and revising a single, consistent set of national standards and policies.

Ultimately, the Florida Petition and all of the comments point to the paramount need for rapid FCC action to establish national number conservation and pooling standards. ALTS is encouraged by the Commission's adoption yesterday of an NPRM

¹ See, e.g., Comments by the Citizens of Florida at 4; Comments of the Pennsylvania Office of Consumer Advocate ("POCA") at 3; New York Department of Public Service Letter at 1; Comments of the California Public Utilities Commission and of the People of the State of California at 2.

² See, e.g., Comments United States Telephone Association at 2; Comments of SBC Communications, Inc. at 1; BellSouth Comments at 5; Opposition of Bell Atlantic at 2-3; Comments of Nextel Communications, Inc. at 3; Comments of the Cellular Telecommunications Industry Association at 4; Comments of U S West Communications, Inc. at 2; Comments of MCI Worldcom, Inc. at 3-4. Comments of AT&T Corp. on Petition for Waiver at 3-4.

addressing many of these issues and encourages the Commission to finish that proceeding as expeditiously as possible.

I. NATIONAL NUMBERING STANDARDS AND POLICIES ESTABLISHED BY THE FCC ARE VITAL TO EFFICIENT AND COMPETITIVELY NEUTRAL NUMBER ADMINISTRATION

Congress was quite specific in granting sole jurisdiction to the FCC to administer a uniform national numbering system,³ recognizing that an efficient and effective nationwide numbering system must be centrally administered according to national standards. In interpreting its numbering authority, the FCC has repeatedly recognized that multiple state numbering regimes would be inefficient and result in significant costs to carriers and consumers.⁴

ALTS urges the Commission not to relinquish the important role of establishing national numbering standards and policies, but instead focus on making states partners in enforcing its guidelines. Carriers that operate on a regional or national basis, and smaller carriers, would be especially disadvantaged by the need to comply with a patchwork of state-specific administration guidelines. Regional and national carriers would potentially be expected to adhere to different guidelines in each state in which they operate. Not only would there be very real and possibly significant cost associated with such variations in state number administration and pooling requirements, but smaller carriers are unlikely to have sufficient administrative support to comply with

³ 47 U.S.C. § 251(e)(1).

⁴ See, e.g., *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, Memorandum Opinion and Order on Reconsideration, 13 FCC Rcd 19009 (1998) ("Pennsylvania Order"); *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*,

varying state requirements. Thus, abrogation of the Commission's national number administration responsibilities could have a markedly chilling and disproportionate effect on the emergence of local exchange competition.

For example, with respect to the specific request by the Florida Public Service Commission ("FPSC") for authority to implement interim Unassigned Number Porting ("UNP"), ALTS notes that a majority of the commentors, including several state groups, recognize there currently are no national technical or administrative standards for implementing UNP.⁵ The Florida Petition is unclear as to how the FPSC would implement UNP, but if a CLEC were given no choice but to obtain numbering resources via UNP, the CLEC would be entirely dependant on an ILEC's efforts to make numbers available on a timely and neutral basis, and without the support of clear technical and administrative standards. Thus, the piecemeal implementation of state-specific number administration measures, without clear national policies and standards, can have far-reaching effects on local exchange competition.

II. STATES CAN AND SHOULD PLAY A ROLE IN STATE NUMBER CONSERVATION EFFORTS, INCLUDING ENFORCEMENT TOGETHER WITH NANPA , OF NATIONAL NUMBER ADMINISTRATION GUIDELINES

Many of the number assignment and utilization standards the FPSC is seeking authority to establish in fact already exist in the current Central Office Code Assignment

Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) ("Second Report and Order").

⁵ See, e.g., POCA Comments 6, note 5; Comments of the California Public Utilities Commission and of the People of the State of California at 7; Comments of Level 3 Communications at 10; Comments of MediaOne Group at 8.

Guidelines (“Guidelines”).⁶ For example, the Guidelines direct the NANPA to ensure that the code applicant places a code in service within the time frame specified in the Guidelines, and if not used within that timeframe, to request return of the code.⁷ The NANPA is also directed to seek return of codes that are used in violation of the Guidelines.⁸ Other utilization guidelines have either recently been revised (e.g., criteria for acquisition of codes) or are in the process of being developed (e.g., audit procedures) under the oversight of the North American Numbering Council (“NANC”). While substitution of the existing national guidelines is neither desirable nor necessary, states should be given additional delegation of authority (to the extent such additional delegation is necessary) to work with the NANPA to ensure that carriers adhere to the Guidelines.

A recent example of the benefits of state involvement in the enforcement of the Guidelines underscores the value of state participation with NANPA to ensure optimal code utilization. The Colorado Public Utilities Commission (“Colorado PUC”) conducted a code utilization survey and discovered that codes had been obtained by carriers that lacked certification to serve in the exchanges for which the codes were requested. After first bringing the matter to the NANC, the Colorado PUC staff began working with the NANPA to implement a number of practices to improve adherence to the Guidelines, including NANPA verification with the Colorado PUC of carrier certification prior to making code assignments. The Colorado PUC’s actions have already resulted in the return of 75 central office codes.

⁶ See Central Office Code (NXX) Assignment Guidelines, INC 95-047-008, Reissued January 27, 1999.

⁷ *Id.* at Section 5.4.3.

⁸ *Id.* at Section 8.0 and following.

Although the CO Code Guidelines authorize the NANPA to seek enforcement of code reclamation guidelines at the Industry Numbering Committee (“INC”), in many cases states, working with NANPA, may be more effective at identifying code misuse and urging prompt return of codes. Therefore, the FCC should clarify, and delegate additional authority if necessary, that states may monitor carrier number utilization data received from carriers, and work with the NANPA to identify improperly held codes and ensure that carriers adhere to the Guidelines. This expansion of authority would allow the FPSC to improve code utilization without undermining the uniformity of the national number administration system.⁹

III. THE FCC SHOULD ACT EXPEDITIOUSLY TO ESTABLISH NATIONAL NUMBER CONSERVATION STANDARDS

Although Florida and several other states are seeking additional authority to implement state-specific number conservation measures,¹⁰ on the grounds that the states need to meet unique state conditions, the fact that all of the petitions seek essentially the same things (*i.e.*, stricter number administration guidelines, 1000 block number pooling, and UNP), suggest that the problems do not require state-specific action at all, but *national* action. ALTS supports the Commission’s plan to act expeditiously to initiate a rulemaking on specific number optimization proposals, and

⁹ ALTS is aware that many states have exercised a number of options to improve code utilization in their states, without the need for additional delegation of authority or establishment of state-specific number administration procedures. These options include: rate center consolidation, voluntary NXX code give back, expanded local calling area (“ELCA”) for wireless carriers, approval of inconsistent rate centers for CLECs, and voluntary sequential number assignment and virtual number pooling trials. Thus, there already exist numerous options that allow states to tailor solutions to meet specific state circumstances, as the FPSC and several other states are seeking.

¹⁰ In addition to Florida, Maine, New York, Massachusetts, and California have filed substantially similar petitions.

establish national rules for 1000 block pooling by the end of 1999. In the meantime, ALTS and its members will continue to work with the NANC, the industry fora, and individual state commissions, to develop and implement number optimization measures.

IV. CONCLUSION

For the reasons stated above, the Commission should decline to grant the FPSC's specific requests to implement Florida-specific number administration guidelines, 1000 block pooling, and UNP. However, the Commission should grant to Florida (and to all states) the authority to monitor carrier number utilization data, and work with the NANPA to identify improperly held codes and ensure that carriers adhere to the Guidelines. In addition, the Commission should move as expeditiously as possible to establish national number conservation standards and the national framework for number pooling.

Respectfully submitted,

Association for Local
Telecommunications Services

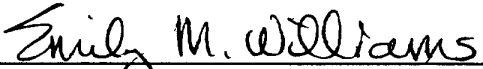
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May 28, 1999

Certificate of Service

I hereby certify that on this 28th day of May, 1999, that copies of the foregoing Reply Comments of the Association for Local Telecommunications Services were serviced by U.S. Mail, first class, postage prepaid, or by hand, as indicated to the following parties.


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May 28, 1999

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Re: NSD-L-99-33
DA 99-725

CC DOCKET: 96-98

Dear Ms. Salas:

Enclosed for filing please find an original and 4 copies of the Maine Public Utilities Commission's Reply Comments In Support of the Florida Public Service Commission's Petition for Expedited Decision For Grant of Authority to Implement Number Conservation Measures.

Sincerely,


Trina M. Bragdon

cc: Al McCloud
Service List



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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of:	:	DA 99-725
	:	NSD File No. L-99-33
Petition For Expedited Decision	:	
For Grant of Authority to Implement	:	
Number Conservation Measures of	:	
The Florida Public Service Commission	:	
	:	

**REPLY COMMENTS OF THE MAINE PUBLIC UTILITIES
COMMISSION IN SUPPORT OF THE FLORIDA PUBLIC SERVICE
COMMISSION'S PETITION FOR EXPEDITED DECISION FOR GRANT
OF AUTHORITY TO IMPLEMENT NUMBER CONSERVATION MEASURES**

The Maine Public Utilities Commission (MPUC) respectfully requests that the Common Carrier Bureau (CCB) grant the Florida Public Service Commission's (FPSC) Petition for Expedited Decision For Grant of Authority to Implement Number Conservation Measures (Petition).

**I. National Uniformity Does Not Preclude State Participation In
Numbering Administration Issues**

Contrary to the claims of the parties opposing the FPSC's Petition, none of the measures proposed by the FPSC will compromise the integrity of the North American Numbering Plan (NANP) nor national numbering policies. Many of the measures proposed by the FPSC are similar to those requested by the MPUC in its Petition for Additional Authority to Implement Number Conservation Measures, DA No. 99-638. The MPUC has already made a showing as to why such measures are consistent with existing national policies and will not repeat those arguments here. See MPUC's Reply Comments in DA No. 99-638 (filed on May

17, 1999). In addition, the FPSC has pledged that its plan will be consistent with national policies and will ensure that numbering resources are available on an equitable, efficient, and timely basis to all segments of the industry.

The MPUC has also already shown that national uniformity does not preclude state participation in number administration issues and that state participation can be very effective. Indeed, the MPUC's participation in numbering issues in Maine has already benefited both the Industry and the public by ensuring a more accurate COCUS forecast and saving more than 75 central office codes since January. All of this has been done without violating any of the current national policies and guidelines. See MPUC Reply Comments in DA No. 99-638.

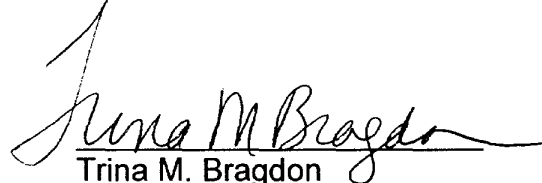
States and their citizens cannot afford to wait for consensus at the national level before implementing number conservation measures -- such a consensus may never materialize given the divergent interests of the parties involved in the process. Further, even if some consensus is reached, it could easily become the subject of endless litigation. The D.C. District Court's recent decision regarding the FCC's slamming rules provides a good example of what happens when powerful members of the Industry disagree with the path chosen by regulators or other members of the Industry. Thus, while it appears that thousand block pooling is the measure most parties anticipate will be implemented on a national basis, there is nothing to preclude a carrier from instituting legal proceedings to block such implementation. If this occurs and the states have not been given authority to implement number conservation measures, states will be held

hostage by the litigation, consumers and businesses will be subjected to unnecessary costs, and the NANP will prematurely exhaust.

Current conditions in individual states require immediate action in order to protect consumers from the unnecessary expense and confusion associated with new area codes as well as to ensure that sufficient numbering resources are available to all carriers actually providing facilities-based services within a specific rate center. States should not be required to wait until a specific national solution is developed. Instead, states like Florida, Maine, Massachusetts, New York, and California should be given authority to implement number conservation measures which are consistent with current and anticipated national numbering policies.

Respectfully submitted,

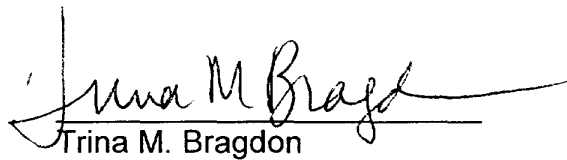
MAINE PUBLIC UTILITIES COMMISSION


Trina M. Bragdon
Staff Attorney

Dated: May 28, 1999

CERTIFICATE OF SERVICE

I, Trina M. Bragdon, certify that a copy of the Reply Comments of the Maine Public Utilities Commission in Support of the Florida Public Service Commission's Petition for Expedited Decision For Grant of Authority to Implement Number Conservation Measures was served today, *via* U.S. mail, on the persons listed on the attached service list.


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Public Service Commission

FEDERAL COMMUNICATIONS COMMISSION
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May 27, 1999

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445 12th, SW - TW-A325
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Common Carrier Bureau
Network Service Division
Office of the Chief

CC DOCKET: 96-98

Re: File No. NSD-L-99-33 - Petition by the Florida Public Service Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures.

Dear Ms. Salas:

Enclosed please find the original and 13 copies of the Florida Public Service Commission Reply Comments in the above noted file. Please date stamp and return one copy in the enclosed self-addressed envelope.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cynthia B. Miller".

Cynthia B. Miller
Senior Attorney

CBM:jmb

cc: Brad Ramsay
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Parties of Record

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In re:

Petition by the Florida Public)	
Service Commission for Expedited)	
Decision for Grant of Authority)	File No. NSD-L-99-33
to Implement Number Conservation)	
Measures.)	
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FLORIDA PUBLIC SERVICE COMMISSION REPLY COMMENTS

On April 2, 1999, the Florida Public Service Commission (FPSC) filed a petition requesting that the Federal Communications Commission (FCC), on an expedited basis, delegate to the FPSC authority for the following number conservation measures:

- institute thousand-block (and perhaps 100 block) number pooling;
- implement sharing of NXX codes in rate centers;
- revise rationing measures and institute NXX lotteries (prior to adoption of area code plans or establishment of an area code relief date) to prolong the life of existing area codes;
- reclaim unused and reserved central office codes;
- maintain the current central office code rationing measures for at least six months after the implementation of all area code relief plans;
- expand deployment of permanent number portability;

Florida Public Service Commission Reply Comments
File No. NSD-L-99-33

- implement unassigned number porting; and,
- implement rate center consolidation.

The comments to the FPSC's petition were indeed overwhelmingly supportive of our petition. The Massachusetts Department of Telecommunications and Energy, the State of New York Public Service Commission, and the Florida Public Counsel's comments fully supported our petition to the FCC.

The commenters also expressed their support for directing NANPA to (1) update the Central Office Code Utilization Survey (COCUS) report quarterly, instead of annually, to provide a much more current basis for planning area code relief; and (2) establish code allocation standards to more efficiently manage numbering resources. In addition, commenters favored requiring wireless carriers to provide the COCUS and other information necessary for the FPSC and NANPA to carry out their responsibilities.

Level 3 Communications supported our petition in part by stating that the FPSC may be able to extend or modify the use of NXX code rationing procedures, consolidate rate centers, and determine when additional rationing measures are necessary in a given market. We would note that revising rationing measures, along with NXX lotteries for all area codes, would prolong the

life of existing area codes until more permanent measures are implemented.

Although US West opposes state commission filings with the FCC, the Massachusetts, New York, Maine, and California commissions have already filed petitions with the FCC for additional authority to implement code conservation measures. Some state commissions have already received such jurisdiction from the FCC. While US West has alleged that delegation to the states would "wreak havoc" on orderly numbering, we believe the opposite is the case.

In fact, on April 12, 1999, Senator Susan Collins introduced legislation in Congress (Senate Bill 765) based on a concern about the current inefficient allocation of telephone numbers. This legislation would require the FCC to develop a plan for efficient allocation of telephone numbers by December 31, 2000. The legislation includes the following findings:

- The combination of rapid growth in competition for telecommunications services and the inefficient allocation of numbering resources devoted to such services will result in the creation of scores of new area codes, almost all of which will become wholly unnecessary once procedures for the efficient allocation of telephone numbers are in place. (Emphasis added)
- The premature exhaustion of telephone area codes causes economic dislocation for businesses and unnecessary inconvenience for households. (Emphasis added)

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- The premature exhaustion of telephone area codes can be prevented by measures to conserve the allocation of so-called central office codes.
- State regulatory authorities have the interest and the capability to tailor mechanisms to conserve telephone numbers to the needs of the telecommunications markets.
- Mechanisms for the conservation of telephone numbers can be implemented without impeding competition for telecommunications services.

The legislation mandates that the FCC shall, upon the request of a state commission, delegate its authority.

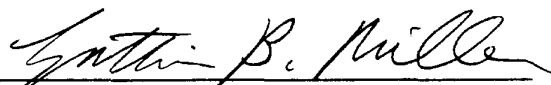
We are certain that expanding deployment of number portability and subsequently instituting thousand-block pooling will provide the most benefit to the citizens of Florida. As noted by the Massachusetts Department of Telecommunications and Energy, NANPA, on April 22, 1999, released the results of its studies on the thousand-block (1,000 or 1KB) pooling model which indicated the importance and necessity for implementing this conservation method as soon as possible. NANPA summarized its findings as follows:

The 1KB Pooling Model (Pooling Model) projects the impact of Thousands block Pooling (1 KB Pooling) on NANP resources. 1KB Pooling provides TN [telephone number] resources to participating SPs [service providers] in blocks of 1,000 rather than in CO [central office] Code blocks of 10,000....With all industry segments participating in 1KB Pooling, the expected date for NANP Exhaust is in the 2094 time frame versus the 2008 time frame without 1KB Pooling.

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Currently, other states are conducting thousand-block pooling trials with the permission of the FCC, and no practical problems or material differences in implementation have resulted from a state-by-state approach. In addition, concurrent implementation of NXX code sharing and unassigned number porting (made possible by the pooling software) will contribute to the efficient allocation of telephone numbers. Therefore, the FPSC seeks an expedited decision on all of our requests to enable Florida to more efficiently manage, use, and allocate telephone numbering resources.

Respectfully submitted,


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DATED: May 27, 1999

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In re:

Petition by the Florida Public)	
Service Commission for Expedited)	
Decision for Grant of Authority)	File No. NSD-L-99-33
to Implement Number Conservation)	
Measures.)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Public Service Commission Comments has been furnished by U.S. Mail this 27th day of May, 1999, to the parties of the attached service list.



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